

**U.S. DEPARTMENT OF COMMERCE
INFORMATION SYSTEMS TECHNICAL ADVISORY COMMITTEE
MEMBERSHIP BALANCE PLAN**

- (1) **Name.** Information Systems Technical Advisory Committee (ISTAC)
- (2) **Authority.** The ISTAC is authorized by the Export Administration Act of 1979 (EAA), as amended, 50 U.S.C. app. §§ 4601-4623¹.
- (3) **Mission/Function.** The ISTAC will be consulted where a recognized need of the Department of Commerce exists with respect to questions involving: (a) technical specifications and policy issues relating to those specifications that are of concern to the Department; (b) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology; (c) licensing procedures that affect the level of export controls applicable to any goods, software, or technology; (d) revisions of the Control List, including proposed revisions of multilateral controls in which the United States participates; (e) the issuance of regulations; and (f) any other matters relating to actions designed to carry out the policy set forth in Section 3(2)(A) of the EAA.
- (4) **Points of View.** The ISTAC is composed of industry representatives and U.S. Government agencies with specific technical or export control expertise. The principal sources for industry members are large and small firms located throughout the country that produce information systems and related software and technology subject to export controls as well as consultants and attorneys who represent these companies. The principal sources for U.S. Government members include specialists and technical experts from the Departments of Commerce, State, Defense, Energy, and the intelligence community.

Specific expertise of the ISTAC includes: encryption and information security, semiconductors and semiconductor manufacture equipment, high performance computers and microprocessors, telecommunications technology, and instrumentation.

Federal employee members will be designated as Regular Government Employees (RGEs), and members appointed from industry associations who will represent the interests of their industries will be appointed as Representative members.

- (5) **Other Balance Factors.** Since the work of the ISTAC affects a large segment of the information technology industry, the Department of Commerce will strive to develop a

¹ Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222, of August 17, 2001 (3 C.F.R., 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of the August 4, 2016 (81 Fed. Reg. 52587 (Aug 8, 2016)), has continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701 et seq.). BIS continues to carry out the provisions of the Act, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222.

committee that represents views of the various U.S. Government agencies responsible for administering export controls on information technology, as well as the views of large, medium, and small companies that are impacted by these controls.

- (6) **Candidate Identification Process.** The Designated Federal Officer (DFO) solicits names from ISTAC members, other U.S. Government representatives, and the Notice of Recruitment of Private-Sector Members posted in the Federal Register. The DFO also occasionally receives unsolicited nominations from industry representatives interested in serving on the ISTAC. The DFO evaluates the candidate for relevant technical expertise and experience. If the candidate has the required technical expertise and experience in an area that would benefit the ISTAC, the DFO prepares a justification for candidacy. Candidates are vetted through Lexis/Nexis and the Senate's registered lobbyist database, the Office of Export Enforcement and the Department's Office of White House Liaison. Once the vetting process is complete, information is forwarded to the Office of Security for security clearance purposes. Formal letters of invitation to serve on the committee will be extended by the Secretary of Commerce.

If any vacancies occur during the life of the ISTAC, the DFO will initiate the review process as described above. ISTAC members shall not serve on the ISTAC for more than four consecutive years. Members who do not attend four consecutive ISTAC meetings will have their membership terminated.

- (7) **Subcommittee Balance.** The process that will be used to determine advisory committee member balance for the parent Federal advisory committee will be used for any subcommittees that may be created. Subcommittee members must be approved by the Assistant Secretary for Export Administration.
- (8) **Other.** Not applicable.
- (9) **Date Prepared/Updated.** February 2017